

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**CORNELIUS BELMER**

**PETITIONER**

**VS.**

**CIVIL ACTION NO.: 3:18-CV-471 HTW- RHW**

**SUPERINTENDENT MARSHAL TURNER**

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter comes before this court pursuant to the Proposed Findings of Fact and Recommendation of United States Magistrate Judge Robert H. Walker. Said document was filed on October 30, 2018 [**doc. no. 14**]. The Proposed Findings of Fact and Recommendation advised Cornelius Belmer (hereafter “Petitioner”) of his right to appeal/object to the report within fourteen days, as provided by Title 28 U.S.C. § 636(b)(1), Rule 72 of the Federal Rules of Civil Procedure and Rule 72 of the Local Uniform Civil Rules. On December 11, 2018, Petitioner submitted a document entitled “Motion Notice of Right to Appeal to Report and Recommendation” [doc. No. 17], which this court interprets as Petitioner’s objections to the report and recommendation of the Magistrate Judge. This court granted to Petitioner, retroactively, an extension of time within which to file his objections; thus, they are treated as timely filed.

After examining the record evidence in this case the Magistrate Judge recommended: that Respondent’s Motion to Dismiss [doc. no. 10] be granted and that Belmer’s §2254 petition for writ of habeas corpus be dismissed.

Having reviewed the Proposed Findings of Fact and Recommendation, as well as the objections by the Petitioner, the court filings and the relevant law, this Court concludes that the findings in the Proposed Findings of Fact and Recommendation [**doc. no. 14**] should be and are

hereby **adopted** as this Court's own. Accordingly, the motion to dismiss [**doc. no. 10**] is **granted** in favor of the Respondents. Petitioner's "Motion Notice of Right to Appeal to Report and Recommendation" [**doc. no. 17**], is construed as Petitioner's objections to the Magistrate Judge's Proposed Findings of Fact and Recommendation, and not as a motion, and is, therefore, **terminated**. Petitioner's §2254 petition for writ of habeas corpus is dismissed. A separate Final Judgment will issue on this date.

**SO ORDERED AND ADJUDGED**, this the 1st day of February, 2019.

s/ HENRY T. WINGATE  
UNITED STATES DISTRICT COURT JUDGE